

1 PAUL L. REIN, Esq. (SBN 43053)  
2 PATRICIA BARBOSA, Esq. (SBN 125865)  
3 JULIE MCLEAN, Esq. (SBN 215202)  
4 LAW OFFICES OF PAUL L. REIN  
5 200 Lakeside Dr., Suite A  
Oakland, CA 94612  
(510) 832-5001

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7 Attorney for Plaintiff:  
ELBERT MADISON

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9 KELLY F. CANBY, Esq. (SBN 185227)  
ROBERTS, RASPE & BLANTON, LLP  
Union Bank Plaza  
445 South Figueroa St., Suite 3200  
Los Angeles, CA 90071  
(213) 430-4777

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11 Attorney for Defendants:  
ACAPULCO RESTAURANTS, INC.;  
AAC FUNDING IV LLC; THE  
12 MANUFACTURERS LIFE INSURANCE COMPANY

13  
14 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

15  
16 ELBERT MADISON, CASE NO. C04-2440 PVT  
17 Plaintiff, Civil Rights

18 v. **STIPULATION AND ~~PROPOSED~~ ORDER**  
**FOR DISMISSAL WITH PREJUDICE**

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20 ACAPULCO RESTAURANTS, INC.;  
MARINA PLAYA APARTMENTS,  
LLC; MANUFACTURER'S LIFE  
21 INSURANCE CO. USA; and DOES  
1 through 25, Inclusive,

22 Defendants.

23 \_\_\_\_\_ /  
24

25 IT IS HEREBY STIPULATED BY ALL PARTIES THROUGH THEIR COUNSEL OF  
26 RECORD AS FOLLOWS:

27 1. The parties have reached a settlement as to all of  
28 plaintiff's claims for injunctive relief, damages, attorney

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**Stipulation and Order for Dismissal:**  
**Case No. C04-2440 PVT**

1 fees, litigation expenses and costs. The agreement has been  
2 memorialized in a separate Consent Decree and Order which was  
3 signed by the Court on October 4, 2005.

4       2. The payment of damages and attorney fees has been made  
5 by defendants without any admission of liability. Pursuant to  
6 the terms of the Consent Decree and Order, the Court has  
7 retained continuing jurisdiction to enforce the injunctive  
8 relief terms.

9       3. The parties therefore agree that, subject to the  
10 court's continuing jurisdiction under the Consent Decree, the  
11 action shall be dismissed with prejudice.

12  
13 Dated: October 5, 2005

PAUL L. REIN  
PATRICIA BARBOSA  
JULIE MCLEAN  
LAW OFFICES OF PAUL L. REIN

16                    \_\_\_\_\_  
17 /s/ Julie McLean  
Attorneys for Plaintiff  
ELBERT MADISON

18  
19 Dated: October 5, 2005

KELLY F. CANBY  
ROBERTS, RASPE & BLANTON, LLP

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23 /s/ Kelly F. Canby  
Attorneys for Defendants  
ACAPULCO RESTAURANTS, INC.;  
AAC FUNDING IV LLC; THE  
MANUFACTURERS LIFE INSURANCE  
COMPANY

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LAW OFFICES OF  
PAUL L. REIN  
200 LAKESIDE DR., SUITE A  
OAKLAND, CA 94612-3503  
(510) 832-5001

Stipulation and Order for Dismissal:  
Case No. C04-2440 PVT

## ORDER

Pursuant to stipulation, and for good cause shown, **IT**  
**IS SO ORDERED.** The Court will retain jurisdiction to enforce  
the Consent Decree and Order, and the action is hereby  
dismissed with prejudice.

Dated: 10/6/05

Patricia V. Trumbull  
Hon. Patricia V. Trumbull  
U.S. Magistrate Judge